

it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29192. Adulteration of marshmallows. U. S. v. 77 Cases of Marshmallows. Default decree of condemnation and destruction. (F. & D. No. 42259. Sample No. 18706-D.)

This product contained small slivers of wood, insect fragments, and rodent hairs.

On April 27, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Los Angeles, Calif., by Wonderfood Marshmallow Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wonderfood Marshmallows * * * Wonderfood Marshmallow Co., Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29193. Misbranding of marshmallows. U. S. v. 100 Cases of Marshmallows. Consent decree of condemnation. Product released under bond for relabeling or repacking. (F. & D. No. 42503. Sample No. 19106-D.)

This product was short weight.

On June 2, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 13, 1938, from Los Angeles, Calif., by Doumak's Marshmallow Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Doumak's Snow-White Marshmallows * * * Doumak's Marshmallow Co., Los Angeles, Calif."

It was alleged to be misbranded in that the statement on the label, "Net Weight 16 Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 27, 1938, J. Doumaka, trading as Doumak's Marshmallow Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled, or repacked to the full weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29194. Adulteration and misbranding of peanut butter. U. S. v. 24 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42315. Sample No. 16350-D.)

This product contained insect fragments and was short weight.

On May 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about May 15, 1937, from Brundidge, Ala., by Southern Foods, Inc. (J. D. Johnston, Jr. Co.); and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunrayed Brand * * * Peanut Butter Packed By Southern Foods, Inc. Brundidge, Ala."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement on the label, "Contents 12 Oz.," was false and misleading and tended to deceive and mislead the pur-